

PATENT APPLICATION  
Application No. 10/505,272  
Attorney Docket No. 127272.00111

#### REMARKS

Applicant has canceled claims 4 and 6, have added new claims 15-16, and have amended claims 1, 2, 5, 7, 9, 10, and 12. Support for the amendments is found, for example, at page 10, line 9, page 12, lines 15-17, page 12, lines 24-26, p. 13, line 23 to p. 14, line 13 and Figures 4-6. Claims 1-3, 5, and 7-16 are currently pending.

#### II. *Rejection Under 35 U.S.C. § 112, Second Paragraph*

The Examiner has rejected claim 9 under 35 U.S.C. § 112, second paragraph. Applicant submits that the current amendment places claim 9 in condition for allowance. Applicant requests that the rejection be withdrawn.

#### III. *Rejection Under 35 U.S.C. § 102(b): Gordon*

The Examiner has rejected claims 1-9 and 14 under 35 U.S.C. § 102(b) as unpatentable over Gordon (U.S. 5,741,277). The amended claims recite a device comprising two or more needle holder arms connected to a connecting rod, with the connecting rod operative to pivot the needle holder arms between operative positions. In a first operative position, the needle holder arms extend in opposed directions from the distal end of the cannula. In a second operative position, the needle holder arms are biased inwardly relative to the first operative position. After the needle holder arms are in the second operative position, the needles can be engaged by the needle trap mechanism.

Gordon fails to teach all elements of the claimed invention. For example, Gordon does not teach a connector rod operative to pivot needle holder arms to a second operative position that is biased inwardly relative to a first position and wherein the second position allows the needles to be engaged by a needle trap mechanism. Applicant respectfully submits that the

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claims are patentable over Gordon and request that the rejection under 35 U.S.C. § 102(b) be withdrawn.

IV. *Rejection Under 35 U.S.C. § 103: Gordon*

The Examiner has rejected claim 13 under 35 U.S.C. § 103(a), as unpatentable over Gordon (U.S. 5,741,277). Claim 13 recites the invention of claim 1 further comprising a tapered mount formed upon the distal end of the connecting rod and holding the needle/suture complex, the tapered mount having a generally hourglass shape. As described above, Gordon fails to teach all elements of the claimed invention. For the reasons set forth above, Applicant respectfully submits that claim 13 is patentable over Gordon and request that the rejection under 35 U.S.C. § 103 be withdrawn.

V. *Rejection Under 35 U.S.C. § 102(b): Klein*

The Examiner has rejected claims 1-2 and 10-12 under 35 U.S.C. § 102(b) as unpatentable over Klein (U.S. 5,860,991). Klein fails to teach all elements of the claimed invention. For example, Klein fails to teach a connecting rod operative to pivot the needle holder arms between operative positions. Applicant respectfully submits that the claims are patentable over Klein and request that the rejection under 35 U.S.C. § 102(b) be withdrawn.

VI. *Rejection Based on Nonstatutory Double Patenting Rejection*

The Examiner has rejected claims 1-14 on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1 and 3-12 of U.S. Patent No. 6,743,241 (the '241 Patent). Applicant has filed herewith a Terminal Disclaimer in accordance with 37 CFR 1.321(c) and 37 CFR 3.73(b). Accordingly, Applicant respectfully requests that the rejection be withdrawn.

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### CONCLUSION

In view of the amendments and remarks presented hereinabove, Applicant believes that claims 1-3, 5, and 7-16 are in condition for allowance and respectfully request that they be passed to issue. In the event that the enclosed fees are incorrect, the Commissioner is hereby authorized to charge or credit such fees to Deposit Account No. 50-0436.

Should the Examiner have any questions or comments, or need any additional information from Applicant's attorney, he is invited to contact the undersigned at his convenience.

Respectfully Submitted,

By 

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